

TOWN OF WESTFORD
BOARD OF SELECTMEN
MINUTES

DATE: January 8, 2008

TIME: 7:30 P.M.

PLACE: J.V. Fletcher Library

PRESENT: Valerie Wormell, Robert Jefferies, James Sullivan,
Nancy Rosinski

ABSENT: Dini Healy-Coffin

OTHERS

PRESENT: Steve Ledoux, Town Manager, Audience Members

OPEN FORUM

Update on Winter Snow Removal Policy and Operations – Richard Barrett, Highway Superintendent, provided an overview of the Snow Removal Operations and Mailbox Policy Procedures. A pamphlet explaining the Policy and Operations can be found at the Town Clerk's Office and the Highway Department. The pamphlet will soon be mailed to residents along with census forms. Barrett reminded residents that a winter parking ban is now in effect. Barrett also urged residents to put recycling and trash receptacles in their driveways during snow storms to protect the receptacles. Salt and sand is available to residents at the old Highway Garage. Residents with concerns regarding snow removal damage in the right-of-way should contact the Highway Department.

Cameron Senior Center – Rosinski reported that she visited the Cameron Senior Center to see the collection of gifts and goods that benefited eighty families in Westford during the holiday season. Rosinski thanked Joyce Newton, the many volunteers, the Cameron Senior Center employees, residents and businesses throughout the Town for their hard work and generosity.

Town Manager Resignation – Ledoux submitted his resignation as Town Manager effective February 22, 2008. Ledoux has accepted a position with the Town of Acton as Town Manager. Ledoux stated that it has been an honor and a pleasure working for Westford. Wormell stated that it was a pleasure working with Ledoux. Rosinski wished Ledoux well in his new job.

PROPOSED TREE REMOVAL – CONTINUATION OF NATIONAL GRID PUBLIC HEARING

Issue: *On December 11, 2007, the Tree Warden held a public hearing in response to a request from National Grid to remove certain trees in the Public Right-of-Way on Boston Road and Main Street to the Chelmsford line. Under the Shade Tree Act, if any one person objects to the removal of a tree, the final decision is brought before the Selectmen.*

Richard Barrett, Assistant Tree Warden, reported that he was able to obtain the services of arborist Brian Gilbert at no cost to the Town. Gilbert assisted in the survey of all of the trees listed for removal. Barrett stated he and Gilbert also met with a National Grid representative. After reviewing the trees, it was determined that four of the trees would need attention at a later date and some of the trees would only require trimming. Barrett read the list trees that went on the “later” list. Barrett stated that the large beech tree on Main Street is on private property and is considered a hazardous tree. Barrett noted that the beech tree has a large cavity in the base and needs to be removed. Barrett stated that the Tree Warden will be actively pursuing grant money available through the State to mitigate the tree removal. Barrett thanked Gilbert for his assistance. Barrett also reported on the public hearing held at the Millennium School on December 11, 2007. A few residents attended and asked questions regarding the tree removal.

Marian Harman, 10 Chamberlain Road, agreed that many of the trees listed for removal were old and damaged and could be removed. Harman felt that 13 of the trees listed did not seem to need removal. Harman felt that 7 of the trees were of particular interest because of their large, beautiful appearance or because they were an unusual species. Harman felt that the following trees were the most important to save: Horse Chestnut, 180 Main Street, Pole 22-42; Basswood, 65 Main Street, Pole 1307-1306; Maple on driveway, 65 Main Street, Pole 3108-3107; Maple, 65 Main Street, Pole 109-3108; Horse Chestnut, 6 Hildreth Street, Pole 5; Maple, 7 Boston Road, Pole 9-8; and Ash, 45 Boston Road, Pole 26-25. Harman felt that the following trees could be trimmed: Red Oak, 204 Main Street, Pole 3; White Oak, 198 Main Street, Pole 7-6; Red Oak, 2 Lucinda Place, Pole 13; Maple, Main Street, Cemetery, Pole 61; Maple, Main Street, Cemetery, Pole 62; Maple, Main Street, Cemetery, Pole 66-65. Harman felt that the Weeping Beech tree on Main Street and the large Beech tree on Boston Road at Hildreth Street could be trimmed.

Barrett stated that he forwarded Harman's list to National Grid and they are prepared to discuss those trees.

Jefferies stated that every attempt should be made to save as many trees as possible and trim the dead wood. Jefferies suggested letting the trees survive as long as possible. Jefferies felt that removal of the large trees degrades the look of the Town. Jefferies also suggested that National Grid should try to get their lines underground noting that they do not pay to use the right-of-way but make demands on the Town.

It was moved by Jefferies, seconded by Sullivan, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to close the public hearing.

It was moved by Jefferies, seconded by Rosinski, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to go with the recommendation of the Tree Warden with regard to all tree removal except for the trees specified by Marian Harman and that National Grid come back and give the Board a second shot at trying to save the trees for as long as possible.

Rosinski suggested that Jefferies, Barrett, Harman, an arborist and National Grid meet offline to save time. Jefferies agreed to the meeting and stated that National Grid has to come back before the Board for a motion to take trees down. Barrett stated that he would keep the public hearing open and schedule a meeting as proposed.

HIRING FREEZE WAIVER

Highway/Grounds Heavy Equipment Operator – Richard Barrett, Highway Superintendent, requested lifting the hiring freeze for the shared position of Highway/Grounds Heavy Equipment Operator.

It was moved by Jefferies, seconded by Sullivan, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to lift the hiring freeze for the position of Highway/Grounds Heavy Equipment Operator.

COMMUNITY SOLAR CHALLENGE PRESENTATION

Issue: Kimberly Macey will be present to seek the Selectmen's approval to undertake a fundraising campaign to raise matching funds for the installation of solar panels on school buildings.

Kimberly Macey, 15 Vose Hill Road, made a presentation regarding the Clean Energy Choice Bonus Programs through the Renewable Energy Trust. Clean Energy Choice provides matching funds for a city or town based on contributions made for renewable energy from households or organizations in that town. The

money is put into an account and cities/towns may spend the funds on a variety of renewable energy projects and/or activities. Macey stated that there was \$13,377 in an account and that Westford needed to apply for the funding. Macey distributed information to the Board. Wormell volunteered to work as a liaison with Macey to get information out to the public.

It was moved by Jefferies, seconded by Rosinski, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to endorse the project and assist with publicity.

HUNTING IN WESTFORD

Issue: Selectmen have received complaints about hunting in certain neighborhoods. Under State law, hunting is allowed on private property with the written permission of the owner and must be at least 500 feet from the nearest residence. There is no requirement under the State law for property owners to notify the Police of such permission. Police act on complaints only. The Board may wish to consider a Bylaw that would require notification to be filed with the Police Department.

Richard Proulx, 53 Flagg Road, stated that there was an incident recently with hunters near his house. Proulx suggested establishing information on a town website to let residents know about regulations and the Wildlife Police telephone number. Proulx wanted information and regulations on the Westford website rather than links to Massachusetts Wildlife.

Jim Gozzo, Carolina Lane, stated that the Massachusetts Wildlife prints a summary of hunting and fishing regulations which are available online or at the Acton Wildlife office.

Michael Taevs, 8 Hildreth Street, stated that he also had a problem with hunters near his property. Taevs stated that he called the police and he talked to the hunters. Taevs stated that the hunters were non-residents and had been tracking from the power lines a deer that they shot. Taevs distributed information and photographs to the Board. Taevs felt that hunting was a good thing to do in appropriate places in Westford. Taevs asked if the Town could publish the places where hunting is not allowed.

Thomas McEnaney, Police Chief, felt that the Massachusetts Wildlife link was a good idea. McEnaney stated that the Town Bylaw requires that hunters need written permission on their person to hunt on someone's property. McEnaney stated that it is illegal to go through a neighborhood with a rifle, without permission, within 500 feet of dwelling and 150 feet from a roadway. McEnaney assured the Board that every call relative to hunting is investigated by the Police.

Proulx stated that he would put together a content page for the Board and Police Department to review. Jefferies suggested that Westford's hunting bylaw be included.

ANNUAL TOWN MEETING TIMELINE

Issue: *Selectmen will consider adopting the meeting timeline for Annual Town Meeting.*

The Board and Ledoux reviewed the draft timeline.

Jim Gozzo, Carolina Lane, was concerned that town reports are not available to residents until Town Meeting and that they should be published for residents to read prior to Town Meeting. Wormell stated that the timeline will attempt to have motions ready 10 days before Town Meeting.

Lynn Cohen, Chairman of the Bylaw Review Committee, clarified that the March 4, 2008 deadline applies to bylaws being amended by petition. Wormell suggested asking the Bylaw Review Committee to keep track of amount of time needed to amend a bylaw so that the timeline can be amended if necessary. Cohen felt that time needed for each bylaw amendment would vary from year to year.

The Board discussed the possibility of adding the date of May 2, 2008 for town reports. Wormell wanted to talk to the Planning Board Chairman to see if this would impact their schedule for the Comprehensive Master Plan. Rosinski felt that the May 2nd date was more of a goal. Wormell felt that a week was not enough time to read large documents.

It was moved by Rosinski, seconded by Sullivan, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve the timeline and add final town reports due by May 2, 2008.

LAND USE SUBCOMMITTEE, CMPC DISCUSSION

Issue: *Land Use Subcommittee seeks input from the Selectmen.*

Thomas Spuhler, Land Use Subcommittee, asked for the Board's general input regarding the Technical Report. Wormell asked the Committee to check the numbers in the charts as they seemed to be out of date and did not match the text. Wormell will e-mail her specific examples to the Committee and the Board. Wormell asked if GIS could layer off visual maps the minimum and maximum density allowed and whether the land could support that density. Jefferies felt that the real density limiters were water supply and trash removal. Jefferies stated that the Water Department needed to respond to water supply issues and that the Town needed a comprehensive waste disposal plan.

Spuhler asked the Board the following questions:

(9) What kinds of businesses does the Town want on Route 110, and is the Commercial Highway District working to secure the type of business development that Westford wants?

Jefferies felt that the businesses succeed on Route 110 because of the Route 495 traffic. Jefferies also felt that the Town needed to encourage local businesses as some unique businesses have been lost over the years. Wormell wanted to see some unique restaurants on Route 110. Wormell felt that Route 110 had no Town character. Rosinski wanted to try to keep some semblance of uniqueness to Route 110.

(13) What is the Town's responsibility (if any) for providing affordable housing? If the legislature rescinded Chapter 40B, would Westford still be interested in zoning for affordable units?

The Board supported affordable housing. Jefferies suggested changing the word “providing” to “encouraging” affordable housing. Jefferies mentioned that other communities have a fund for affordable housing. Rosinski suggested talking to developers about their ideas for affordable housing.

(12) Does Westford still need the existing Growth Management Bylaw? If so, why?

Wormell noted that since the housing market has taken a downturn, Westford has not hit the numbers. Jefferies wanted to keep the development scheduling portion of the Growth Management Bylaw so that growth could be stretched out over time.

(16) If you had to identify Westford's top five “at risk” properties, what would they be?

The Board identified Greenwood Farm, the Elliott parcel, Haystack, Stepinski Land, Sportsmen's Club, and the Tzikopoulos parcel. Wormell felt that Parker Village is at risk for changing the community character. Rosinski noted that the biggest parcels will have the biggest impact particularly areas with large amounts of frontage.

(8) Does Westford have any sites that should be considered for “expedited permitting”, i.e., a streamlined permitting process in order to encourage a particular type of development? If so, what types of uses should be considered? (For purposes of this question, please do not limit your thoughts about “expedited permitting” to an existing law known as Chapter 43D. Other options exist to make development review more efficient).

Wormell felt that the Route 40 area near Route 3 had a good potential for designating an area for expedited permitting. Jefferies suggested identifying industry and businesses that you want to see in Town and actively recruit them using expedited permitting. Rosinski asked to put a discussion on a joint boards agenda regarding the types of businesses we want to see in Westford.

HIRING FREEZE WAIVER

GIS Technician/Inspector – Norman Khumalo, Assistant Town Manager, asked to lift the hiring freeze for the GIS Technician/Inspector position. Khumalo stated that the current employee is taking a job in another community. Khumalo outlined the need for this position.

It was moved by Jefferies, seconded by Sullivan, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to lift the hiring freeze for the position of GIS Technician/Inspector.

RIGHT OF FIRST REFUSAL, CHAPTER 61A, MERRILL PROPERTY

Issue: *The Town has received a notice of right of first refusal on the Merrill property, on Dunstable Road. The notice does not contain the requisite signatures. The Town Manager has sent a letter indicating that the 120 day period for the exercise of the Town's option does not start until receipt of a duly signed document.*

Ledoux reported that he sent a letter to George L. Merrill, David R. Merrill and Russell W. Merrill, dated December 26, 2007 regarding notice of non-compliance with statutory requirements of Chapter 61A. Ledoux also reported that he has not yet received a response. All relevant committees have been notified of the intent to sell. Sullivan asked Ledoux to check with Town Counsel as to whether there is a requirement that the sellers need to come up with a legitimate price for each of the three parcels. Wormell asked if Ledoux needed to talk to the Town of Tyngsboro regarding any plans for development. Ledoux stated that there is nothing official yet. Rosinski wanted to give committees a deadline regarding any interest in the property. Khumalo stated that the Conservation Commission has looked at the parcel and expressed no interest.

CONSENT AGENDA

Meeting Minutes for Approval: Regular Sessions: June 12; July 17; Aug. 14; Aug. 28; Sept. 11; Sept. 25; Oct. 9; and Oct. 16, 2007.

One Day License, First Parish Church, January 19, 2008; 7:00 -11:00 PM.

Banner Request – Request from Westford Academy Theater Arts to hang banner over Main Street from January 13 to February 2, 2008 for “*Into the Woods*” Production.

Banner Request – Election Day and Town Meeting banner request.

Presidential Primary Warrant – Board review.

It was moved by Rosinski, seconded by Sullivan, and VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin), to approve the Consent Agenda except if we were not present at a particular meeting (minutes).

BOARD REPORTS/UPDATES

Subcommittee to Help Draft RFP for East Boston Camps – Rosinski reported that the subcommittee will be meeting to talk about the RFP, why there were no bidders, incorporating changes in the future and what was learned through the process.

OLD/NEW BUSINESS

Update on East Boston Camps – Ledoux referenced his memo regarding a telephone conversation between Town Counsel and counsel for the East Boston Social Center (EBSC) regarding the personal property issue. EBSC requested that the property stay on the premises until the spring thaw after which time they will hold an auction. Wormell questioned whether EBSC could hold an auction on public land. Wormell reported that she spoke to the Chair of EBSC regarding the possibility of EBSC children attending a day camp run by Westford Recreation. Wormell to pursue discussions with the EBSC Chair.

Update on Town Hall Status, Meeting Scheduled for 1/16/08 – Ledoux recommended a work session to discuss the ongoing relocation issue. Ledoux wanted to get resolution on long-term and short-term issues. A meeting was scheduled for Wednesday, January 16, 2008, 7:30 p.m., location to be announced. Ledoux will invite the Permanent Town Building Committee, interested staff, Historic Commission and Community Preservation Committee.

BOS Communication Policy – This item was tabled until January 22, 2008.

Permanent Town Building Committee – Ledoux reported that the Committee recommended the appointment of Zac Cataldo to fill the vacancy. Rosinski suggested publicizing the opening. Wormell stated that she thought the number of committee members was being reduced. Wormell suggested talking to the PTBC members on January 16, 2008.

Update on FY09 Budget – Ledoux reported that he has reviewed the budget requests, held a staff retreat on Wednesday, January 2, 2008 and will be holding another treat on Wednesday, January 23, 2008.

BOS Meeting Schedule – Ledoux and the Board reviewed the meeting schedule. Ledoux recommended adding an additional meeting on Wednesday, February 6, 2008 for budget presentation. Suzanne Marchand, Finance Director, will check with the Finance Committee to determine if they can attend the meeting on February 6th.

Team Building Exercise – Ledoux reported that Healy-Coffin cannot attend the Saturday, January 26, 2008, team building exercise. Ledoux stated that the consultant is willing to work with four out of the five Selectmen. Sullivan wanted to have the full Board participate. Wormell felt that it was a mistake to postpone the team building exercise until after the budget presentation. Ledoux will get other Saturday dates from the consultant. The consultant would also like to speak to each Selectman and view a Selectmen's meeting.

Town Manager Position Transition – Ledoux stated that a discussion is needed with the Board. Rosinski suggested having a morning meeting. Wormell will take Rosinski's suggestion under advisement.

Update on New Tiki License – Ledoux reported that he and Chief McEnaney met with the manager of New Tiki on December 14, 2007 and came to a clear understanding. Ledoux stated that there was no need to bring the license holder before the Board at this time unless there is another incident.

Child Passenger Seat Technician – Ledoux reported that Officer Scott Hyder is a certified child passenger seat technician. Residents wishing to have their vehicle's child passenger seat inspected may contact Westford Police Department. There is no charge/fee for this service.

Appointment of Election Officer – It was moved by Rosinski, seconded by Jefferies, and **VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin)**, to appoint Marlene Lobo as Election Officer.

General Bylaw Review Committee – It was moved by Jefferies, seconded by Rosinski, and **VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin)**, to stagger the terms as follows: Lynn Cohen-1 year; David Chandler-2 years; and Amber Brown-3 years.

Fire Study – Ledoux reported that he received information on January 7, 2008. Ledoux will provide the information to the Board.

CORRESPONDENCE

Wormell read the list of correspondence.

ADJOURNMENT

It was moved by Sullivan, seconded by Rosinski, and **VOTED 4 IN FAVOR WITH 1 ABSENT (Healy-Coffin)**, to adjourn the meeting at 10:30 p.m.

Steve Ledoux, Town Manager

Valerie Wormell, Chairman

